

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

MICHAEL MONTGOMERY,  
Plaintiff,  
v.  
WAL-MART STORES, INC. et al.,  
Defendants.

Case No.: 12cv3057 AJB (DHB)

**ORDER GRANTING IN PART AND  
DENYING IN PART DEFENDANT'S  
MOTION TO EXCLUDE WILLIAM  
F. KITZES**

**(Doc. No. 192)**

On January 12, 2016, the Court heard oral argument on several motions to exclude expert testimony filed by both parties. The Court took Defendant's motion to exclude William F. Kitzes under submission following argument by both parties. Upon further review, the Court **GRANTS IN PART** and **DENIES IN PART** Defendant's motion. (Doc. No. 192.) Mr. Kitzes may testify about product safety management principles in general in the retail industry, but may not offer any opinion or testimony regarding

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1 whether Defendant had a product safety management protocol, and whether Defendant  
2 followed or failed to follow any such protocol.

3 **IT IS SO ORDERED.**

4 Dated: January 13, 2016

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6 Hon. Anthony J. Battaglia  
7 United States District Judge  
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